



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/372,459	08/11/1999	CORNELIS A.M. JASPERS	PHN-17-061	1417

24737 7590 06/20/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

GENCO, BRIAN C

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 06/20/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/372,459

Applicant(s)

JASPERS, CORNELIS A.M.

Examiner

Brian C Genco

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication; even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2615

Claims 3 and 4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 8.

Applicant's election with traverse of claim 2 in Paper No. 8 is acknowledged. The traversal is on the ground(s) that claims 2-4 are so closely related that searching all three at once would not impose an undue burden on the Examiner. This is not found persuasive because while each of claims 2-4 has a common equation each claim recites separate algorithms for applying the equation. As such separate search and consideration would have to be given to each of claims 2-4. Therefore Examiner asserts that there is undue burden to search claims 2-4 at the same time.

The requirement is still deemed proper and is therefore made FINAL.

Allowable Subject Matter

Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The reasons for allowance are as follows:

The prior art of record does not disclose nor fairly suggest the color signal matrix adjustment method of claim 1 wherein said single first color signal matrix related value is a first color signal matrix parameter corresponding to a first color, said color signal matrix adjustment is an increase of said first color signal matrix parameter by an amount d to change a reproduction of said first color, and said automatically adapting step

Art Unit: 2615

includes multiplying all color matrix parameters corresponding to colors other than said first color by a factor $(\Sigma X + d)/\Sigma X$, in which ΣX is a sum of color signal matrix parameters corresponding to said first color, to maintain a white reproduction to a large extent.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of multiplying the other color matrix parameters in order to maintain white reproduction to a large extent must be shown or the feature(s) canceled from the claim(s). Examiner notes that while the drawing shows that an adjustment of the color matrix parameters can be made it is not shown how the multiplication factor maintains white reproduction to a large extent. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2615

The term "a large extent" in claim 2 is a relative term which renders the claim indefinite. The term "a large extent" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Applicant recites the limitation to maintain a white reproduction to a large extent. Examiner notes that this is a vague and relative phrase. Nowhere in the specification was it defined what is meant by "a large extent", or what is meant by "a white reproduction".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by (USPN 4,605,954 to Bestenreiner et al).

In regards to claim 1 Bestenreiner et al, herein Bestenreiner, discloses a color signal matrix adjustment method, comprising:

adjusting (VAC) a single first color signal matrix related value to obtain a color signal matrix adjustment (e.g., adjusting the value k in equations 3a and 3b; column 4, lines 47-60; column 5, lines 18-27); and

Art Unit: 2615

automatically adapting (AAC) at least to color signal matrix parameters other than said single first color signal matrix related value in dependence upon said color signal matrix parameter adjustment (e.g., the modified red R', and blue B' values are automatically adjusted based on the adjustment of k; column 5, lines 18-27).

In regards to claim 5 see examiners notes on the rejection of claim 1.

Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by 6,269,184 to Spaulding et al).

In regards to claim 1 Spaulding et al, herein Spaulding, discloses a color signal matrix adjustment method, comprising:

adjusting (VAC) a single first color signal matrix related value to obtain a color signal matrix adjustment (e.g., Spaulding discloses adjusting one color on an input image to a specified color on an output image; column 5, lines 33- column 6, line 24); and

automatically adapting (AAC) at least to color signal matrix parameters other than said single first color signal matrix related value in dependence upon said color signal matrix parameter adjustment (e.g., Spaulding discloses automatically adjusting colors close to the designated output color so as to smooth the transition of colors; column 6, lines 37-46).

In regards to claim 5 see examiners notes on the rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2615

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 4,605,954 to Bestenreiner et al).

In regards to claim 6 Bestenreiner does not explicitly disclose that the color signal matrix adjustment occur in a camera. Bestenreiner does disclose that initially a color image signal is sensed in a conventional manner and then printed on a display or a printer (e.g., column 3, line 61 – column 4, line 2). Therefore it would have been obvious to one of ordinary skill in the art to have sensed the image in the conventional manner of using a camera to sense the image since it is a widely used and conventional method of sensing a color image. Therefore the camera would subsequently use the color image signal matrix adjustment to adapt the color image signal for display on the camera as is known in the art and taught by Bestenreiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-

Art Unit: 2615

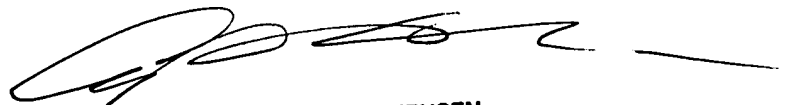
7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:00am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center 2600 customer service office whose telephone number is 703-306-0377.

Brian C Genco
Examiner
Art Unit 2615

June 13, 2003



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600